

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	08-00106-01-CR-W-GAF
LUIS RODRIGUEZ,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on September 17, 2008. Defendant Luis Rodriguez appeared in person and with appointed counsel Ron Partee. The United States of America appeared by Assistant United States Attorney David Barnes.

I. BACKGROUND

On April 14, 2008, an indictment was returned charging defendant with possessing a firearm after having been convicted of a felony, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Barnes announced that he will be the trial counsel for the government. The case agent to be seated at counsel table is TFO Darryl Reach, ATF.

Mr. Partee announced that he will be the trial counsel for defendant Luis Rodriguez.

III. OUTSTANDING MOTIONS

There are no pending motions in this case.

IV. TRIAL WITNESSES

Mr. Barnes announced that the government intends to call 10 witnesses without stipulations or 5 witnesses with stipulations during the trial.

Mr. Partee announced that defendant Luis Rodriguez intends to call 5 witnesses during the trial. The defendant may testify.

V. TRIAL EXHIBITS

Mr. Barnes announced that the government will offer approximately 25 exhibits without stipulations and 15 exhibits with stipulations during the trial.

Mr. Partee announced that defendant Luis Rodriguez will offer approximately 5 exhibits in evidence during the trial.

VI. DEFENSES

Mr. Partee announced that defendant Luis Rodriguez will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Partee stated this case is probably not for trial.

VIII. STIPULATIONS

Stipulations are likely as to prior felony convictions and interstate nexus of firearm.

IX. TRIAL TIME

Counsel were in agreement that this case will take 1 1/2 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed May 2, 2008, counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by September 17, 2008;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, September 24, 2008;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions¹ by or before noon, Wednesday, September 24, 2008. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. UNUSUAL QUESTIONS OF LAW

No motions in limine are anticipated. There are no unusual questions of law.

¹Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the trial letter which will be prepared by Judge James England, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by Friday, September 26, 2008. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. **The instructions shall be listed in the order they are to be given.**

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on September 29, 2008.

/s/ Robert E. Larsen
ROBERT E. LARSEN
U. S. Magistrate Judge

Kansas City, Missouri
September 17, 2008

cc: The Honorable Gary Fenner
Mr. David Barnes
Mr. Ron Partee
Mr. Jeff Burkholder